

REMARKS

Claims 2-6 and 8 are all the claims pending in the present application. The Examiner found the arguments set forth in the Response filed on March 30, 2006, to be persuasive. However the Examiner now applies new references to support his rejections of the pending claims. Specifically, claim 2 is now rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen et al. (US Patent Application Publication No. 20050050432) in view of Hulyalkar et al. (US Patent No. 5,787,080). Claims 3, 5, and 6 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen in view of Hulyalkar, and further in view of Johnston (US Patent No. 6,064,649). Finally, claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen in view of Hulyalkar, and in further view of Patel (US Patent No. 5,953,706).

§103(a) Rejections (Chen / Hulyalkar) - Claims 2 and 8

Independent claims 2 and 8 are rejected based on the reasons set forth on pages 2-3 of the present Office Action.

With respect to independent claim 2, Applicants submit that neither Chen nor Hulyalkar, either alone or in combination, discloses or suggests at least, “(c) sending an error occurrence message and allocating a wireless resource for retransmission of data ..., wherein said wireless resource is one of a bandwidth and a time slot,” as recited in amended claim 2. The Examiner cites numbered paragraph 13 of Chen as allegedly satisfying operation (c) of claim 2, and appears to believe that the ‘new data packet’ discussed in numbered paragraph 13 corresponds to the claimed wireless resource for retransmission of data. However, according to Applicants’ understanding, nowhere does Chen disclose simultaneously sending an error occurrence message and allocating a wireless resource, wherein said wireless resource is a bandwidth or a time slot. At least because neither of the applied references discloses or suggests the above-quoted feature, Applicants submit that independent claim 2 is patentably distinguishable over Chen

and Hulyalkar, either alone or in combination. Applicants submit that independent claim 8 is patentable at least based on reasons similar to those set forth above with respect to claim 2.

Further with respect to claim 2, the Examiner admits that Chen does not disclose the following feature of claim 2: “wherein, in the step (c), said error occurrence message is sent to the corresponding wireless terminal while said wireless resource for retransmission is allocated to the corresponding wireless terminal during a down-link period within one frame comprising the down-link period and an up-link period.” The Examiner asserts that Hulyalkar discloses the limitations of claim 2 in FIG. 8 and col. 11, lines 45-52, but Applicants disagree.

The cited portion of the reference states the following:

Like the distributed architecture, the reservation-based MAC protocol for the centralized architecture is based on a CDS superframe which consists of a control frame (i.e., control channel) and a data frame (i.e., data channel). In the centralized architecture, the data frame is further divided into an "up-link" data frame and an "down-link" data frame. See FIG. 8.

As shown in the quoted excerpt, Hulyalkar’s disclosure is far too general to correspond to the specific features claimed in claim 2. In other words, Hulyalkar discloses a data frame that has an up-link data frame and a down-link data frame. In contrast, claim 2 recites that the error occurrence message is sent to the corresponding wireless terminal while the wireless resource for retransmission is allocated to the corresponding wireless terminal during a down-link period within one frame comprising the down-link period and an up-link period. Thus, at least based on the foregoing, Applicants submit that claim 2 is allowable over the prior art.

§103(a) Rejections (Chen / Hulyalkar / Johnston) - Claims 3, 5, and 6

Claims 3, 5, and 6 are rejected based on the reasons set forth on pages 3-5 of the Office Action.

First, Applicants submit that dependent claims 3, 5, and 6 are patentable at least by virtue of their dependency from independent claim 2. Johnston does not make up for the deficiencies of the other references.

Further, with respect to claims 3 and 5, the Examiner asserts that Hulyalkar discloses a wireless resource allocation method wherein the downlink period comprises a broadcast period and a download reservation period. The first excerpt cited by the Examiner (col. 10, lines 55-65) discloses that “a reservation must be made,” but it does not indicate that the downlink period comprises a download reservation period. The second excerpt cited by the Examiner (col. 11, lines 35-45) discloses that “Control and data messages are first transmitted from a MT to a BS (called the up-link) and then echoed back to another MT from the BS (called the down-link) in a broadcast fashion.” However, the excerpt does not disclose that the downlink period comprises a broadcast period. At least based on the foregoing, Applicants submit that claims 3 and 5 are patentably distinguishable over the applied art.

With further regard to claim 5, Applicants submit that Hulyalkar fails to disclose that during the down-link period, the access point transmits a broadcast message and various control information. The Examiner refers to col. 11, lines 45-52 as allegedly disclosing these features of the claim, however Applicants disagree. As indicated above, the cited portion of the reference makes the general disclosure of a data frame that includes an “up-link” data frame and a “down-link” data frame. Such a disclosure fails to correspond to the specifically recited features of the claim. Thus, at least based on the foregoing, Applicants submit that claim 5 is patentably distinguishable over the applied references, either alone or in combination.

§103(a) Rejections (Chen / Hulyalkar / Patel) - Claim 4

Applicants submit that dependent claim 4 is patentable at least by virtue of its dependency from independent claim 2. Patel does not make up for the deficiencies of the other references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/476,372

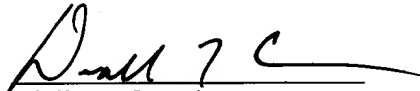
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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